

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Anabel Ruiz, et al., individually and on
behalf of other persons similarly situated,

Plaintiffs,

vs.

All-American & Associates, et al.

Defendants.

Case No.: 2:10-cv-1312-JAD-GWF

Order Dismissing Case


On June 17, 2014, the court granted Defendant APCO Construction, Inc.’s Renewed Motion for Summary Judgment, Doc. 108, entered judgment on Plaintiffs Alfredo Damudio, Juan Magallenes, and Vicente Cuevas’s federal causes of action, declined to exercise supplemental jurisdiction over Plaintiffs’ remaining state law claims, and remanded the state-law claims against APCO back to state court. Doc. 133. On September 5, 2014, the court directed the remaining plaintiffs to file a status report “advising the court of the status of any remaining claims and how they intend to proceed.” Doc. 141 at 7. Remaining plaintiffs Anabel Ruiz and Erick Gomez responded that “there are no further viable means to pursue relief” against any of the named defendants, that Ruiz and Gomez will take no further action in the case, and that “[u]nder Fed. R. Civ. Pro. 41(a)(2) the Court may dismiss Plaintiffs’ claims on terms the Court sees fit. Plaintiffs do not object to the Court’s doing so.” Doc. 142 at 2. To make absolutely sure that plaintiffs have no objection to the dismissal of the rest of this case with prejudice, the court then gave plaintiffs until September 29, 2014,¹ to show cause why all remaining claims should not be dismissed with prejudice under Rule 41. Doc. 143. The court cautioned, “If plaintiffs file nothing, this case—what little remains of it—will

¹The court gave plaintiffs 10 days to show cause; the tenth day fell on a Saturday, making Monday, September 29, 2014, the deadline for response. No response was filed.

1 be dismissed with prejudice and without further notice.” No timely response to the order to
2 show cause was filed, and the court construes this as consent to the dismissal of plaintiffs’
3 remaining claims with prejudice.

4 Accordingly, **IT IS HEREBY ORDERED** that all remaining claims in this action are
5 **DISMISSED** with prejudice. The clerk of court is instructed to close this case.

6 DATED: September 30, 2014.

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9 JENNIFER A. DORSEY
10 UNITED STATES DISTRICT JUDGE
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